

Entered - 04/23/01 - sb
CL01L0249 - DIANNE C. MITCHELL

CLAIM OF: ANNIE E. B. PRIMM
64 Brighton Road, NE
Atlanta, Georgia 30309

01- R -0813

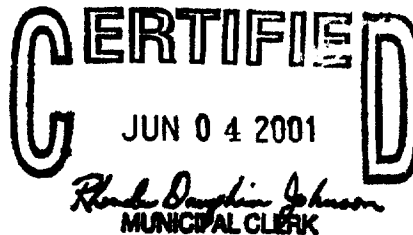
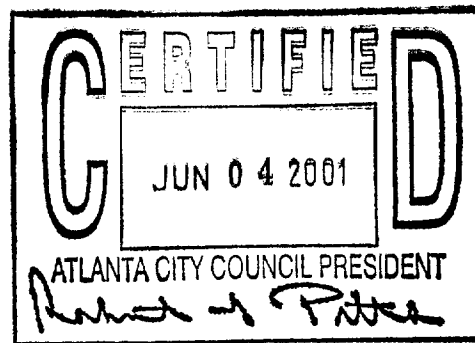
For damages alleged to have been sustained as a result of vehicular
damage due to roadway construction on March 4, 2001 at 2500
Peachtree Road and Lindbergh Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY JUN 04 2001
CITY COUNCIL

COM Public Safety
DATE 5/29/01
CHIEF C. T. Martin
Markus
Carl
Cela Trisler





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

June 19, 2001

Annie E. B. Primm
64 Brighton Road, Ne
Atlanta, Georgia 30309

01-R-0813

Dear Ms. Primm:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0249

Date: May 17, 2001

Claimant /Victim ANNIE E. B. PRIMM

BY: (Atty)(Ins. Co.)

Address: 64 Brighton Road, NE, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ 276.82 Bodily Injury \$

Date of Notice: 04/10/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/04/01 Place: 2500 Peachtree Road at Lindbergh Drive

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged due to roadway construction. The investigation determined that the Atlanta Gas Light Company was responsible for the work at this location. The claimant has been forwarded to them for handling and the claimant has been advised of same.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

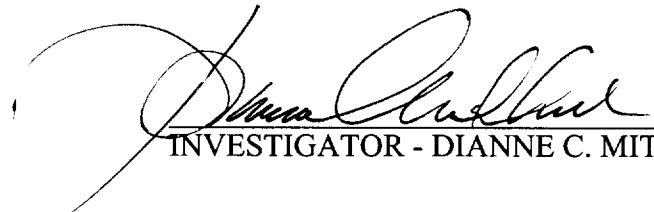
Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

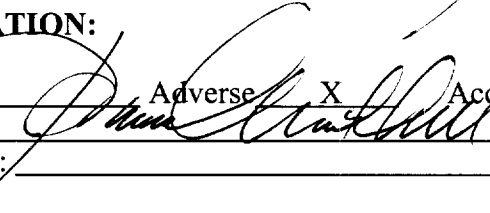
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 05-17-01

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall/Suite 2700
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell
04/19/01
Dm

TODAY'S DATE: 4/7/01

ENTERED - 4-23-01 - SB

010249 - DIANNE MITCHELL

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 276.82 property and/or \$ 0 bodily injury for Two Hundred Seventy Six Dollars and 82 cents which I contend the City is liable.

1. Date of incident: March 4, 2001 SUNDAY - 11:15 AM
(month day year) 2. Police called: 2550 (Yes) ☒ (No)
3. Location of incident: Intersection of Peachtree Road & Lindberg Drive
4. Name of your insurance company Century Oak Insurance Co. Policy # 942574375
5. State what and how incident occurred: My daughter, Edith was driving -
30mph North on Peachtree, the right front wheel fell into
unmarked hole due to street construction/repair - car was
(Use other side if necessary) immediately went flat
& wheel damaged - AAA
Small spars on wheel.
6. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**
7. The registered owner must make the claim for vehicle damages. Complete the following and attach two (2) estimates of repair. N/A - dealer fixed wheel & tire - see attached.
Your vehicle: BUICK Century 1995 Edith Primm
(make) (year) (tag#) (driver's name)
City vehicle: _____
(make) (driver's name) (department)
8. Witness: SALLY Smith 8 N. Boundary Place NW 404-651-4930
(name) (address) Atlanta, GA (phone)
9. The acknowledgment of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT!

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE.

Annice E. B. Primm (SEAL)
(claimant)
64 Brighton Road NE
(address)
Atlanta, GA 30309
(city) (state) (zip)
404-351-4755 404-355-0696
(home) (phone) (work)

01-R-0813

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Unanimous

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
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